
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 15-26971
Erin L Sudberry-Laudati and)	
Vito Laudati, III)	Chapter 13
)	
Debtor(s).)	Honorable Judge Janet S. Baer (KANE)

NOTICE OF MOTION

To: Glenn Stearns, Chapter 13 Trustee ***notice via ECF delivery system***
Erin L Sudberry-Laudati and Vito Laudati, III, 1864 Bluestem Circle Aurora, IL 60504
notice via US Mail
Motor World, C/O Ed Peterson, 550 Roosevelt Road, Glen Ellyn, IL 60137 ***notice via US Mail***
MRPierce, LLC, d/b/a McCalla Raym et.al. 1 North Dearborn St. Suite 1300
Chicago, IL 60602 ***notice via US Mail***
See attached service list

PLEASE TAKE NOTICE that on September 6, 2019 at 9:30 a.m. or soon thereafter as I may be heard, I shall appear before Bankruptcy Judge Janet S. Baer or any other Bankruptcy Judge presiding at Kane County Courthouse 100 S. Third Street, Room 240 Geneva, IL 60134, and shall present the **Motion to Obtain/Incur Debt**, at which time you may appear if so desired.

/s/ David H. Cutler
David H. Cutler, esq.
Attorney for Debtor(s)
Cutler & Associates Ltd.
4131 Main St., Skokie IL 60076
(847) 673-8600

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of the Notice and Motion was filed AND sent electronically and via US MAIL to the above captioned by 6:30 p.m. on or before September 9, 2019.

/s/ David H. Cutler
Attorney for Debtor(s)

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AMENDED MOTION TO OBTAIN/INCUR DEBT

NOW COMES the Debtor's, Erin L Sudberry-Laudati and Vito Laudati, III, by and through their Attorneys, Cutler and Associates, Ltd., and moves the Honorable Court to enter an order authorizing Debtor's to obtain financing for the purchase of a vehicle. In support thereof, Debtor's states as follows:

1. That on August 6, 2015 the Debtor's filed for Chapter 13 protection and their Plan was subsequently confirmed by this Honorable Court on September 25, 2015.
2. The confirmed Plan pays 11% to the unsecured general creditors and the plan payment schedule monthly is \$388.00 per month for 1 month and \$435.00 per month for 59 months.
3. The Debtors have made consistent payments for the entirety of the Bankruptcy plan.
4. That under the confirmed Plan the Debtor's own two vehicles, a 2007 Chrysler Town and Country and a 2007 Chevy Equinox. Both vehicles are treated and paid for in the Debtor's plan. The claims have been paid in full per the plan terms.
5. There was a prior motion to obtain credit/incur debt that was filed on January 16, 2019 in the Debtors' case. The motion to obtain credit/incur debt was filed as the Joint Debtor, Erin L Sudberry-Laudati had been driving the 2007 Chevy Equinox and that vehicle required significant repairs beyond its value and the Joint Debtor was in need

- of a reliable vehicle for work. This Honorable Court granted the motion to obtain credit/incur debt filed January 16, 2019 on February 1, 2019 for the Debtors to purchase a 2015 Nissan Altima or similar vehicle, with an amount financed not to exceed \$15,657.50, interest not to exceed 17.25%, and monthly payments not to exceed \$350.51. That the Joint Debtor, Erin L Sudberry-Laudati uses this vehicle as her primary method of transportation to and from work and with both debtors working in different cities they both need separate vehicles for work.
6. That the 2007 Chrysler Town and Country, driven by Vito Laudati, III requires significant repairs which have become more costly than the vehicles value.
 7. That the Debtor, Vito Laudati, III, has driven the vehicle with no working AC the entire summer and foresees the heat being another issue winter.
 8. The Town and Country is no longer a reliable or safe vehicle for the Debtor's to commute with, The Debtor's worry daily about the vehicle breaking down during their commute to work.
 9. That the Debtor's found a used 2016 Hyundai Sonata they wish to purchase.
 10. The Debtor's can afford this new debt as their household income has slightly increased.
 11. The Debtor's require a second reliable vehicle to commute to and from work and transport their children to and from school.
 12. The Debtor's seek permission of this Honorable Court to incur this new debt that will result in them having monthly automobile payments of \$427.04 for 72 months at the 14.99% interest rate. (See Exhibit A)
 13. That the Debtor's have been given affordable terms for the vehicle, given the Bankruptcy status.

14. That the Debtors can afford to continue making their monthly Trustee plan payments and the incurred vehicle payment.

15. That the Debtor's filed in good faith and intend to complete their plan of reorganization.

WHEREFORE, Debtor's pray that the Court enter an order that will allow them to incur \$20,201.15 in auto financing with installment payments of \$427.04 monthly at the 14.99% interest rate.

Respectfully submitted;

Erin L Sudberry-Laudati and Vito Laudati, III

By: /s/ David H. Cutler
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